

By: Phillips

H.B. No. 3558

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of a local authority to require a person
3 who violates a photographic traffic signal enforcement system to
4 take an intersection driving safety course.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 707.001, Transportation Code, is amended
7 by amending Subdivision (1) and adding Subdivision (1-a) to read as
8 follows:

9 (1) "Civil penalty" includes the imposition of a
10 monetary penalty and the requirement to complete an intersection
11 driving safety course approved by the governing body of the local
12 authority, if the local authority has enacted an ordinance that
13 imposes such a requirement.

14 (1-a) "Local authority" has the meaning assigned by
15 Section 541.002.

16 SECTION 2. Section 707.002, Transportation Code, is amended
17 to read as follows:

18 Sec. 707.002. AUTHORITY TO PROVIDE FOR CIVIL PENALTY. The
19 governing body of a local authority by ordinance may implement a
20 photographic traffic signal enforcement system and provide that the
21 owner of a motor vehicle is liable to the local authority for a
22 civil penalty if, while facing only a steady red signal displayed by
23 an electrically operated traffic-control signal located in the
24 local authority, the vehicle is operated in violation of the

1 instructions of that traffic-control signal, as specified by
2 Section 544.007(d). In addition to a monetary penalty, the local
3 authority may require that the owner of the motor vehicle
4 successfully complete an intersection driving safety course
5 described by Section 707.0025.

6 SECTION 3. Chapter 707, Transportation Code, is amended by
7 adding Section 707.0025 to read as follows:

8 Sec. 707.0025. INTERSECTION DRIVING SAFETY COURSE. An
9 approved intersection driving safety course must provide:

- 10 (1) at least three hours of classroom instruction; and
11 (2) information about:
12 (A) traffic laws of this state;
13 (B) defensive driving techniques, including
14 information about recommended vehicle speeds and the definition of
15 a traffic-control signal; and
16 (C) pedestrian safety, including information
17 about crosswalks.

18 SECTION 4. Section 707.011(c), Transportation Code, is
19 amended to read as follows:

- 20 (c) The notice of violation must contain:
21 (1) a description of the violation alleged;
22 (2) the location of the intersection where the
23 violation occurred;
24 (3) the date and time of the violation;
25 (4) the name and address of the owner of the vehicle
26 involved in the violation;
27 (5) the registration number displayed on the license

1 plate of the vehicle involved in the violation;

2 (6) a copy of a recorded image of the violation limited
3 solely to a depiction of the area of the registration number
4 displayed on the license plate of the vehicle involved in the
5 violation;

6 (7) the amount of the civil penalty for which the owner
7 is liable;

8 (8) the number of days the person has in which to pay
9 or contest the imposition of the civil penalty and a statement that:

10 (A) the person incurs a late payment penalty if
11 the civil penalty is not paid or imposition of the penalty is not
12 contested within that period; and

13 (B) if applicable, the person incurs an
14 additional penalty if the person fails to complete a required
15 intersection driving safety course by the date specified in the
16 notice;

17 (9) a statement that the owner of the vehicle in the
18 notice of violation may elect to pay the civil penalty by mail sent
19 to a specified address instead of appearing at the time and place of
20 the administrative adjudication hearing; ~~and~~

21 (10) information that informs the owner of the vehicle
22 named in the notice of violation:

23 (A) of the owner's right to contest the
24 imposition of the civil penalty against the person in an
25 administrative adjudication hearing;

26 (B) that imposition of the civil penalty may be
27 contested by submitting a written request for an administrative

1 adjudication hearing before the expiration of the period specified
2 under Subdivision (8); and

3 (C) that failure to pay the civil penalty, to
4 complete a required intersection driving safety course, or to
5 contest liability for the penalty in a timely manner is an admission
6 of liability and a waiver of the owner's right to appeal the
7 imposition of the civil penalty; and

8 (11) if applicable, instructions for completing an
9 approved intersection driving safety course.

10 SECTION 5. Section 707.012, Transportation Code, is amended
11 to read as follows:

12 Sec. 707.012. ADMISSION OF LIABILITY. A person who fails
13 to pay the civil penalty, to complete a required intersection
14 driving safety course, or to contest liability for the penalty in a
15 timely manner or who requests an administrative adjudication
16 hearing to contest the imposition of the civil penalty against the
17 person and fails to appear at that hearing is considered to:

18 (1) admit liability for the full amount of the civil
19 penalty stated in the notice of violation mailed to the person; and

20 (2) waive the person's right to appeal the imposition
21 of the civil penalty.

22 SECTION 6. Section 707.015, Transportation Code, is amended
23 to read as follows:

24 Sec. 707.015. UNTIMELY REQUEST FOR ADMINISTRATIVE
25 ADJUDICATION HEARING. Notwithstanding any other provision of this
26 chapter, a person who receives a notice of violation under this
27 chapter and who fails to timely pay the amount of the civil penalty,

1 to complete a required intersection driving safety course, or
2 [~~fails~~] to timely request an administrative adjudication hearing is
3 entitled to an administrative adjudication hearing if:

4 (1) the person submits a written request for the
5 hearing to the designated hearing officer, accompanied by an
6 affidavit that attests to the date on which the person received the
7 notice of violation; and

8 (2) the written request and affidavit are submitted to
9 the hearing officer within the same number of days after the date
10 the person received the notice of violation as specified under
11 Section 707.011(c)(8).

12 SECTION 7. Section 707.017, Transportation Code, is amended
13 to read as follows:

14 Sec. 707.017. ENFORCEMENT. If the owner of a motor vehicle
15 is delinquent in the payment of a civil penalty or the completion of
16 a required intersection driving safety course imposed under this
17 chapter, the county assessor-collector or the Texas Department of
18 Transportation may refuse to register a motor vehicle alleged to
19 have been involved in the violation.

20 SECTION 8. Section 1001.002, Education Code, is amended by
21 adding Subsection (d) to read as follows:

22 (d) An intersection driving safety course required by a
23 local authority under Section 707.002, Transportation Code, is
24 exempt from this chapter.

25 SECTION 9. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2009.